

REMARKS

I. Introduction

Claims 1 to 12 are currently pending in the present application. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration of the present application is respectfully requested.

Applicant notes with appreciation the acknowledgment of the claim for foreign priority and the indication that all certified copies of the priority documents have been received.

Applicant thanks the Examiner for considering the previously filed Information Disclosure Statement, PTO-1449 paper, and cited references.

II. Rejection of Claims 1 to 12 Under 35 U.S.C. § 102(b)

Claims 1 to 12 were rejected under 35 U.S.C. § 102(b) as anticipated by Volkswagen official repair manual for model year 1999 Jetta/Golf/GTI (the "Manual"). Applicant respectfully submits that the Manual does not anticipate the present claims at least for the following reasons.

Claim 1 recites, inter alia, the following:

... means for indirect selection of control parameters . . . by algorithmic processing of values of a plurality of bit positions of the version coding.

Claim 7 includes similar subject matter.

Claim 2 recites, inter alia, the following:

... means for direct selection of control parameters . . .

The Manual discusses entering a code that represents a vehicle version, including available equipment, for the purpose of diagnostic testing of the vehicle. Nowhere does the Manual disclose the entering of a code **for selection of control parameters for a vehicle controller**.

Furthermore, the Office Action asserts that an algorithmic processing of bit values is inherently disclosed in the Manual, because some processing must be involved, for example a comparison process in mapping a code number to equipment that is available in the particular vehicle. However, nowhere does the Manual disclose **indirect** selection of control parameters by algorithmic processing.

The Manual describes a code that is made up of a number of bit positions. The values entered in the bit positions directly reference a particular vehicle version. For example, the value "02" entered in the first two bit positions directly indicates that the particular vehicle includes a seatbelt warning. The Manual further describes a method by which a tester manually determines the code to be entered. For example, if a vehicle includes both a brake pad wear warning, represented by "01" and a seatbelt warning, represented by "02," the tested enters "03" as the value for the first two bits of the code. Once the code is entered, a processor may **directly map** the entered value to the equipment present in the vehicle. Nowhere does the Manual disclose the **indirect** selection of control parameters by an **algorithmic process** performed upon bit values of a code.

Furthermore, the Office Action asserts that the Manual discloses both the indirect selection of control parameters of claim 1 and the direct selection of control parameters as a function of values of individual bit positions of the version coding of claim 2. It is not clear how the Office Action can assert both that an indirect selection of control parameters by an algorithmic process is inherent in the Manual, and that the Manual also discloses a direct selection of control parameters. Thus, the Manual does not disclose, or even suggest, each limitation of claims 1 and 7.

It is therefore respectfully submitted that the Manual does not anticipate any of claims 1 and 7.

As for claims 2 to 6, and 8 to 12, which ultimately depend from claims 1 and 7, respectively, and therefore include all of the limitations of claims 1 and 7, respectively, it respectfully submitted that the Manual does not anticipate these dependent claims for at least the same reasons given above in support of the patentability of claims 1 and 7.

For at least the foregoing reasons, it is submitted that the rejection of claims 1 to 12 should be withdrawn.

III. Conclusion

In light of the foregoing, it is respectfully submitted that all pending claims 1 to 12 are in condition for allowance. Prompt reconsideration and allowance of the present application are therefore earnestly solicited.

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Respectfully submitted,

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